



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/864,510

§ Examiner: R. Lewis

Confirmation No.: 2445

§ Group/Art Unit: 3732

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§ Old Atty. Dkt. No.: 28122.89

Inventor(s):

§ New Atty. Dkt. No.: 5838-00300

Murphy et al.

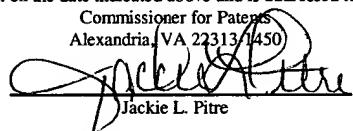
Title: VENTRICULAR  
RESTORATION SHAPING  
APPARATUS AND  
METHOD OF USE

§ CERTIFICATE OF MAILING  
§ UNDER 37 C.F.R. §1.8

§ DATE OF DEPOSIT: 5/19/04

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OVER A PATENT APPLICATION**

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Dear Sir:

1. Applicant is the owner of all rights in the captioned application.
  
2. As sole owner in the captioned application, Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of any patent granted on U.S. Patent No. 6,681,773 B2.



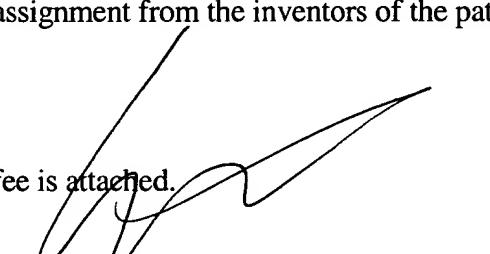
Inventors: Murphy et al.  
Appl. Ser. No.: 09/864,510  
Atty. Dkt. No.: 5838-00300

Applicant hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that the patent and any patent granted on U.S. Patent No. 6,681,773 B2 are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantees of such patent, and its or his successors or assigns.

4. In making the above disclaimer, Applicant does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of a patent granted on U.S. Patent No. 6,681,773 B2, as presently shortened by any terminal disclaimer, in the event that the patent granted on U.S. Patent No. 6,681,773 B2 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. Applicant certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

6. A fee authorization for the required fee is attached.

By: 

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